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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 Clayton-M. Bernard-Ex,
10 Plaintiff,

11 vs.

12 Jerome Carter, *et al.*,
13 Defendants.

Case No. 2:22-cv-02094-RFB-VCF

**ORDER TO ADMINISTRATIVELY CLOSE
CASE**

14 I previously denied pro se plaintiff Clayton-M. Bernard-Ex's application to proceed in forma
15 pauperis because it was incomplete. ECF No. 3. I gave plaintiff until Wednesday, February 8, 2023 to
16 either file the long form IFP application or pay the filing fee. *Id.* The deadline has passed, and plaintiff
17 has not filed anything or paid the filing fee. Since plaintiff has not commenced this action, I order that
18 this case be administratively closed.

19 ACCORDINGLY,

20 I ORDER that the Clerk of Court is directed to administratively CLOSE this case.

21 **NOTICE**


22 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
23 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
24 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
25 may determine that an appeal has been waived due to the failure to file objections within the specified

1 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

2 This circuit has also held that (1) failure to file objections within the specified time and (2)
3 failure to properly address and brief the objectionable issues waives the right to appeal the District
4 Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d
5 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
6 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any
7 change of address. The notification must include proof of service upon each opposing party's attorney,
8 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may
9 result in dismissal of the action.

10 IT IS SO ORDERED.

11 DATED this 9th day of February 2023.



13 CAM FERENBACH
14 UNITED STATES MAGISTRATE JUDGE
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